

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10031188-1

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JAN 21 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Viorica Lopez-Avila

Serial No.: 10/782,269

Examiner: Leon Lum

Filing Date: February 18, 2004

Group Art Unit: 1641

Title: METHODS AND COMPOSITIONS FOR ASSESSING A SAMPLE BY MALDI  
MASS SPECTROMETRY

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☒ No additional fee (Address envelope to "Mail Stop Amendments")  
☐ Other: (Fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 <sup>ST</sup> MONTH 120.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 450.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 1020.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1590.00 <input type="checkbox"/>		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Viorica Lopez-Avila

By

James Keddle for Mike Beck  
Attorney/Agent for Applicant(s)

Reg. No. 48,920

Date: 01-21-2005

Telephone No. (650) 485-3864

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below.

Date of facsimile: 01-21-2005

Typed Name: Donna Macedo

Signature:

Rev 10/04 (TransAmnd)

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JAN 21 2005

VIA FACSIMILE  
703-872-9306

<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10031188-1 4020
	First Named Inventor	Viorica Lopez-Avila
	Application Number	10/782,269
	Filing Date	February 18, 2004
	Group Art Unit	1641
	Examiner Name	Leon Lum
	Title	<i>Methods and Compositions for Assessing a Sample by MALDI Mass Spectrometry</i>

Dear Sir:

This communication is responsive to the Restriction Requirement dated December 23, 2004 for which a one month period for reply was given making this response due on or before January 23, 2005. Accordingly, this response is timely filed.

In response to the Restriction Requirement, the Applicants hereby elect Group I, with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of Group I with the non-elected claims for examination in this application for the following reasons:

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states:

**If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**

In the present case, the Applicants submit that little, if any, additional searching should be required for the non-elected groups, and therefore the examination of the claims of the non-elected groups should impose little, if any, additional burden on the Examiner.

In the absence of such an undue or serious burden, the Examiner is instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the non-elected claims with the claims of elected Group I and to examine all the claims together in the present application.

Agilent Ref: 10031188-1  
United States Application Serial No. 10/782,269

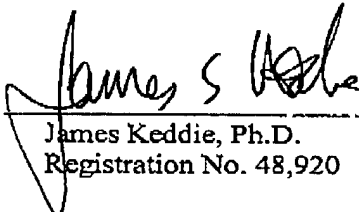
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order no. 10031188-1.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 1/21/05

By:

  
James Keddie, Ph.D.  
Registration No. 48,920

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